

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Marija BOGATAJ, et al.
Application No. 10/599,289
Filing Date:
International Filing: March 24, 2005
Confirmation No. 6552
Title: Gastroresistant Pharmaceutical Dosage Form Comprising
N-(2-(2-Phthalimidoethoxy)-Acetyl)-L-Alanyl-D-Glutamic Acid
(LK-423)
Group Art Unit:

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE
(DO/EO/US)
and
Letter Regard a New Notice and/or Status of the Application

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Letter of July 14, 2009, and the attached Notification of Missing Requirements under 35 U.S.C. §371(copy attached), Applicants enclose herewith the following documents:

- 1) Declaration executed by Marija BOGATAJ on 11 October 2006, Ales MRHAR on 11 October 2006, Manica CERNE on 20 October 2006, Doris TIBAUT on 20 October 2006, Anton STALC on 3 November 2006, Uros URLEB on 29 October 2006, Tatjana MATEOVIC on 11 October 2006, Greta COF on 11 October 2006, Janez KERC on 23 October 2006, and Rok DREU on 11 October 2006;
- 2) Declaration executed by Fumio YONEDA on 26 September 2006. and Shizuko MURAOKA on 26 September 2006, and;
- 3) Declaration executed by administrator for estate of Anton LAVRIC on July 6, 2009.

Please note that prior to receipt of the subject Letter and associated Notification of July 14, Applicants filed a Response in the USPTO on July 20, 2009, to a previous Notification of Missing Requirements under 35 U.S.C. 371 mailed February 23, 2009 (now withdrawn).

In their response to the previous notice (withdrawn), Applicants authorized the USPTO to charge a three month extension of time in the amount of \$1,110.00, along with a further authorization to charge the surcharge under 37 C.F.R. §1.16(f) in the amount of \$130.00, for a total of \$1,240.00. Since the previous notice of February 23 has been officially withdrawn, Applicants respectfully request that Deposit Account 12-2355 used by the undersigned counsel of record be credited in the amount of \$1,110.00, so that only the Rule 1.16(f) surcharge of \$130.00 be charged against the application in regard to parts missing for the items filed with this case.

The above is believed to constitute a full and complete response to the USPTO's official Notification of Missing Requirements Under 35 U.S.C. §371 in the United States Designated/Elected Office (DO/EO/US) issued on July 14, 2009. In view of the foregoing, please charge Deposit Account No. 12-2355 of the undersigned in the amount of \$130.00 in full satisfaction of all Government filing fees and other fees required to complete this application and to commence examination of the same on the merits. If this amount is insufficient, or is incorrect for any reason, please charge any deficiencies or credit any overage to the aforesaid Deposit Account No. 12-2355.

Respectfully submitted,

LUEDEKA, NEELY & GRAHAM, P.C.

By: /Mark S. Graham/

Mark S. Graham
Registration No. 32,355

Date: August 21, 2009
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E-filing

64650.US
C-6710.0.
SLOVENIA



UNITED STATES PATENT AND TRADEMARK OFFICE

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MSG

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/599.289	MARIJA BOGATAJ	33705-US-PCT

83721

Lek (Slovenia) - LUEDEKA, NEELY & GRAHAM, P.C.

P.O. BOX 1871

Knoxville, TN 37901

INTERNATIONAL APPLICATION NO.

PCT/EP2005/003175

I.A. FILING DATE

03/24/2005

PRIORITY DATE

03/26/2004

RECEIVED

JUL 17 2009

LUEDEKA, NEELY & GRAHAM, P.C.

CONFIRMATION NO. 6552
371 WITHDRAWAL NOTICE



0000000036910847

Date Mailed: 07/14/2009

Letter Regarding a New Notice and/or the Status of the Application

If a new notice or Filing Receipt is enclosed, applicant may disregard the previous notice mailed on 02/23/2009. The time period for reply runs from the mail date of the new notice. Within the time period for reply, applicant is required to file a reply in compliance with the requirements set forth in the new notice to avoid abandonment of the application.

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If the reply is not filed electronically via EFS-Web, the reply must be accompanied by a copy of the new notice.

If the Office previously granted a petition to withdraw the holding of abandonment or a petition to revive under 37 CFR 1.137, the status of the application has been returned to pending status.

VONDA M WALLACE

Telephone: (703) 756-1425

SCANNED

page 1 of 1

- Resp To Missing Requirements
Due
DATES DOCKETED 9/14/09
ATTY: MSG



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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I.A. FILING DATE

03/24/2005

PRIORITY DATE

03/26/2004

CONFIRMATION NO. 6552
371 FORMALITIES LETTER



OC000000036910898

Date Mailed: 07/14/2009

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Priority Document
- Copy of the International Application filed on 09/25/2006
- Copy of the International Search Report filed on 09/25/2006
- Copy of Article 19 Amendments filed on 09/25/2006
- Preliminary Amendments filed on 09/25/2006
- Information Disclosure Statements filed on 09/28/2006
- Oath or Declaration filed on 09/25/2006
- U.S. Basic National Fees filed on 09/25/2006
- Priority Documents filed on 09/25/2006
- Specification filed on 09/25/2006
- Claims filed on 09/25/2006
- Abstracts filed on 09/25/2006
- Drawings filed on 09/25/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

VONDA M WALLACE

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SEQUENCE LISTINGS AND TABLES RELATED THERETO IN INTERNATIONAL APPLICATIONS FILED IN THE U.S. RECEIVING OFFICE

The Administrative Instructions (AIs) under the Patent Cooperation Treaty (PCT), in force as of July 1, 2009, contain important changes relating to the manner of filing, and applicable fees for, sequence listings and/or tables related thereto (sequence-related tables) in international applications. The complete text may be accessed at <http://www.wipo.int/pct/en/texts/index.htm>.

Effective July 1, 2009, Part 8 and Annex C-*bis* will no longer form part of the AIs. Part 8 was introduced in 2001 as a temporary solution to problems arising from the filing of very large sequence listings on paper and provided for a *sequence listing forming part of the international application* to be filed in electronic form on physical medium (e.g., CD), together with the remainder of the application on paper. In 2002, Part 8 was expanded to include sequence-related tables and Annex C-*bis* was added to provide technical requirements. All applicants may now file complete international applications in electronic form, eliminating the need for these temporary provisions.

I. AIS PART 8 AND ANNEX C-BIS DELETED AS OF JULY 1, 2009

- A) Sequence-related tables cannot be filed as a separate part of the description or in text format. They must be provided as an integral part of the international application either:
- in PDF format as part of an international application filed in electronic form via EFS-Web; or
 - on paper as part of an international application filed on paper.
- B) A *sequence listing forming part of an international application* may be provided either:
- in electronic form, as part of an international application filed in electronic form via EFS-Web, in
 - Annex C/ST.25 text format (preferred), or
 - PDF format; or
 - on paper as part of an international application filed on paper.
- C) A *sequence listing not forming part of the international application* (for search under PCT Rule 13ter) in Annex C/ST.25 text format
- is not required where the *sequence listing forming part of the international application* was filed in Annex C/ST.25 text format as part of an international application filed in electronic form via EFS-Web
 - is required for search where the *sequence listing forming part of the international application* was filed in PDF
 - is required for search on physical medium (e.g., CD) where the *sequence listing forming part of the international application* was filed on paper as part of an international application filed on paper.

II. CALCULATION OF THE INTERNATIONAL FILING FEE AND FEE REDUCTION UNDER AI § 707

- A) A sequence-related table must form an integral part of the international application and will incur FULL page fees with no upper limit.
- B) A *sequence listing forming part of an international application* filed:
- via EFS-Web in Annex C/ST.25 text format will incur NO page fees;
 - on paper or in PDF format will incur FULL page fees with no upper limit.

III. AVAILABILITY OF SEQUENCE LISTINGS SUBMITTED FOR SEARCH UNDER PCT RULE 13TER

International Searching Authorities will be required to transmit to the International Bureau a copy of an Annex C/ST.25 text format sequence listing provided for search under PCT Rule 13ter. Any such sequence listing will be made available on PATENTSCOPE® (*sequence listings forming part of the international application* are already available).

IV. JULY 2009 REQUEST (PCT/RO/101)

The Request now has two options for the last sheet: one for paper filings; and one for EFS-Web filings. The July 2009 Request may be accessed at <http://www.wipo.int/pct/en/forms/index.htm>.